

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIANNE MURPHY and WILLIAM MURPHY,

Docket No. 07-CIV-9415
(Buchwald, J.)

Plaintiffs,

-against-

CONTINENTAL AIRLINES, INC.,

Defendant.

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DEFENDANT CONTINENTAL AIRLINES, INC.'S RESPONSE
TO AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY

PLEASE TAKE NOTICE that defendant CONTINENTAL AIRLINES, INC. (hereinafter "Continental"), by its attorneys McKeegan & Shearer, P.C., as and for its Response to Automatic Disclosure Prior to Discovery in accordance with Federal Rule 26(a)(1) of the Federal Rules of Civil Procedure, states:

Automatic Disclosure 1. Disclose the identity of all persons with pertinent information respecting claims, defenses and damages.

Response 1. At this time, Continental is aware of the following persons who may have pertinent information respecting claims, defenses and damages: plaintiffs Marianne Murphy and William Murphy and Cheryl Stone of Continental.

Automatic Disclosure 2. Disclose a general description of all documents in the custody and control of the parties bearing significantly on claims and defenses.

Response 2. At this time, Continental is aware of the following documents: Continental Airlines Flight Attendant Report (one page) and Continental Airlines Customer Report (one page). Copies of such documents are annexed hereto.

Automatic Disclosure 3. Provide authorizations to obtain medical, hospital, no-fault and worker's compensation records.

Response 3. This automatic disclosure demand is inapplicable to Continental, the defendant in the captioned matter.

Automatic Disclosure 4. Disclose the documents relied on by the parties in preparing the pleadings or documents that are expected to be used to support allegations.

Response 4. See Response 2 above.

Automatic Disclosure 5. Disclose the contents of any insurance agreement.

Response 5. Continental objects to this demand on the grounds of relevance and on the grounds that the information requested is highly confidential and proprietary and the requested information is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, the coverage limits that apply to this matter are in excess of the ad damnum in the Complaint. Global Aerospace is the custodian of this policy.

Dated: New York, New York
November 5, 2007

McKEEGAN & SHEARER, P.C.

By _____
George P. McKeegan (GPM 8602)
(A Shareholder of the Firm)
Attorneys for Defendant
192 Lexington Avenue
New York, New York 10016
(212) 661-4200

TO: SHAKED & POSNER
Attorney for Plaintiffs
255 West 36TH Street
8th floor
New York, New York 10018

MAY 17 2006

CUSTOMER REPORT

CUSTOMER TO KEEP YELLOW COPY

- ☒ Customer Injury/Illness
☐ Customer Conduct
☐ Damage to Customer Property

Continental Airlines

486133

Flight Attendant Report

RECEIVED
APR 06 2006
Risk Management

FORM TO BE COMPLETED AND SUBMITTED
BY INFLIGHT CREW WITHIN 24 HOURS

| | | | | | | | |
|---|--|---------------------|---|---|--------------------|-----------------------------|------------|
| DATE AND TIME OF INCIDENT 04-01-06 | | A.M. P.M. | AIRCRAFT # | FLIGHT# 1081 | GATE# | FROM: GCM | TO: EWR |
| DESCRIBE THE LOCATION OF THE INCIDENT (TERMINAL, JETWAY, INFLIGHT, etc.) Inflight | | | WAS A CUSTOMER REPORT GIVEN TO THE CUSTOMER? Y / N | | | | |
| WAS EMERGENCY TREATMENT OFFERED? IF YES, WHO PROVIDED THE TREATMENT? MARJ | | | WAS IT ACCEPTED? IF NO, WHY NOT? MURPHY | | | | |
| NAME OF CUSTOMER FIRST 1623 | | STREET # 3rd Ave | | INITIAL Apt | STATE 20A | LAST NY NY | |
| HOME ADDRESS | | CITY | | STATE | ZIP 10128 | TELEPHONE # 212-722-6318 | |
| SOCIAL SECURITY # | | SEX | DOB | | OFFICE TELEPHONE # | | |
| DESCRIBE THE INCIDENT IN DETAIL (USE ADDITIONAL SHEETS OF PAPER IF NEEDED): Bar Cart hit left foot. Treatment was offered by a Nurse. Nothing should could determine or do without X-Rays. PSGR was abk to apply some pressure. PSGR indicated no one was at fault. PSGR also indicated she needed surgery on foot anyway. | | | | | | | |
| WITNESS INFORMATION NAME | | | | WITNESS INFORMATION NAME | | | |
| ADDRESS | | | | ADDRESS | | | |
| PHONE NUMBER | | | | PHONE NUMBER | | | |
| DISTRIBUTION: WHITE (ORIGINAL) - PLACE IN WHITE ENVELOPE, BOARDMAIL TO HQSRK YELLOW - PLACE IN YELLOW ENVELOPE, BOARDMAIL TO IAHT PINK - FLIGHT ATTENDANT'S COPY | | | | FLIGHT ATTENDANT'S NAME: Cheryl Stone EMP#: 36851 BASE: EWR SIGNATURE: CS DATE: 4-01-06 | | | |

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

LINDA ARCARA, being duly sworn, deposes and says:

That I am not a party to this action, am over the age of 18 years and reside in Bayside, New York.

That on the 13th day of November 2007, I served a true copy of the DEFENDANT CONTINENTAL AIRLINES, INC.'S RESPONSE TO AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY in the following manner:

By mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known of the addressee(s) as follows:

SHAKED & POSNER
255 West 36th Street
8th Floor
New York, New York 10018

Sworn to before me this
13th day of November 2007

/s/ Linda Arcara

/s/ Notary Public

GEORGE P. McKEEGAN
Notary Public, State of New York
No. 02MC6131547
Qualified in Westchester County
Commission Expires August 8, 2009